

MINUTES

INDIANA STATE BOARD OF DENTAL EXAMINERS

SEPTEMBER 7, 2007

I. CALL TO ORDER AND ESTABLISHMENT OF QUORUM

Dr. Burns called the meeting to order at 9:00 a.m. in the Professional Licensing Agency, Conference Room W064, Indiana Government Center South, 402 West Washington Street, Indianapolis, Indiana, and declared a quorum in accordance with Indiana Code § 15-5-1.1-6(c).

Board Members Present:

Jill Burns, D.D.S., President
Laverne Robison Whitmore, L.D.H. B.S., Vice President
Roger Murphy, D.D.S.
Clance LaTurner, Consumer Member
Dale Sorenson, D.D.S.
Harvey Weingarten, D.D.S.
Galen Williams, D.D.S., Secretary
Matthew Miller, D.D.S.
Richard T. Newton, II, D.D.S.

Board Members Absent:

State Officials Present:

Cindy Vaught, Board Director, Professional Licensing Agency
Kristine Yarde, Assistant Board Director, Professional Licensing Agency
Liz Brown, Deputy Attorney General, Office of the Attorney General

II. ADOPTION OF THE AGENDA

A motion was made and seconded to adopt the agenda, as amended.

WEINGARTEN/MURPHY
Motion carried 9-0-0

III. ADOPTION OF THE MINUTES FROM THE AUGUST 3, 2007 MEETING OF THE BOARD

A motion was made and seconded to adopt the minutes with corrections of the August 3, 2007 meeting of the Board.

WHITMORE/WILLIAMS
Motion carried 9-0-0

IV. APPEARANCES

A. PROBATIONARY

1. State of Indiana v. Teresa Michelle McCrady, D.D.S., License No. 12010271A

Administrative Cause No. 2006 DB 0003

Dr. McCrady appeared before the Board, as requested, regarding her ongoing probationary status. She had no problems to report and informed the Board that she is taking Chantix, a medication to help her quit smoking. The Board told her they had not received a report from the Indiana Dental Association Well-Being Monitoring program and Dr. McCrady told the Board she will be meeting with them on Tuesday. The Board asked her to make sure that she schedules her appointments enough time in advance of the meeting so that the reports are available.

B. APPLICATION

1. Lora M. Schlosser, L.D.H.

Ms. Schlosser appeared before the Board, as requested, regarding her application for licensure as a dental hygienist. Ms. Schlosser is 2007 graduate from Rhodes State College and has passed National Boards and the North East Regional Board of Dental Examiners (NERB) examination. Ms. Schlosser was questioned by the Board regarding allegations made against her by Denise Bowers, RDH, MSed., Associate Professor, James A. Rhodes State College. Ms. Bowers alleges that Ms. Schlosser practiced dental hygiene without a license, violated the Code of Ethics for Dental Hygiene, Program Policies, and Rhodes State College's Code of Student Conduct. The basis for this allegation stems from the patient Ms. Schlosser used when she participated in the NERB examination. Ms. Bowers complained that there was no patient history which is vital to ensure the health and safety of the patient. Ms. Schlosser explained to the Board that her initial patient backed out the week before the exam and her back-up patient was not really appropriate and she wanted to bring the best patient possible. She spoke to her cousin who had not had a dental cleaning in four years, she looked in his mouth and saw that he would be a better candidate and asked him to get x-rays which he did later that day. She claims she did not use any instruments or practice dental hygiene. Ms. Schlosser stated that she filed all of the paperwork necessary for NERB and her school clinic was not open so he was not pre-screened prior to the examination. She stated that she and a school counselor's understanding of having the patient pre-screened in the school clinic was not a strict policy. Ms. Schlosser stated she passed the NERB examination with a 100% and they had no complaints regarding her patient or paperwork. She claims that there is a bad history between her and Ms. Bowers and despite Ms. Bowers protestations and allegations the school found no grounds to punish her. Ms. Robison-Whitmore reiterated to Ms. Schlosser that ethics violations are very serious and to always put the health and safety of her patients first.

Board Action: A motion was made and seconded to grant Ms. Schlosser dental hygiene licensure upon passing the law examination.

WEINGARTEN/MILLER

Motion carried 8-0-1

Ms. Robison-Whitmore abstained

2. Bland P. Walker, D.D.S.

Dr. Walker appeared before the Board, as requested, regarding his application for dental licensure. Dr. Walker is a 1986 graduate from the University of Tennessee and has passed the National Boards and the Southern Regional Testing Agency Examination (SRTA). He is currently licensed in the state of Mississippi and holds an expired license in Tennessee. On his application Dr. Walker answered "yes" to question #3 asking, "Are you now, or have you ever been treated for drug or alcohol abuse?" Dr. Walker explained in 1992 he had ACL replacement surgery and became addicted to hydralazine and was actively addicted for the next three years. After rehab he had a relapse in 2001 Dr. Walker sought treatment through the Mississippi Professional Health Program (MPHP) at Pine Grove Recovery Center in Hattiesburg, Mississippi following a chemical and behavioral relapse. Dr. Walker was discharged from the program on June 30, 2006 and on August 29, 2006 he entered into his fifth recovery contract with MPHP. A letter from the MPHP Medical Director dated July 5, 2007, states that Dr. Walker has demonstrated a sustained commitment to recovery over the past year and that he seems committed to both his recovery and to his contractual compliance. He is also a member of AA and has maintained his sobriety. Dr. Walker told the Board he has a job offer in Angola and presented proof that he has entered into a four (4) year Continuing Care Contract with the Indiana Dental Association Well-Being Program on September 4, 2007. In signing the contract Dr. Walker agreed to the following terms:

1. Submit to random urine drug screens; all screens are collected using a legal chain of custody form.
2. Meet with a Dental Advocate regularly for the first two years; quarterly thereafter.
3. Submit written verification of 12-Step meeting attendance for the first year.
4. Attend individual counseling for a period of time.
5. See a psychiatrist regularly for medication management.

Board Action: A motion was made and seconded to grant Dr. Walker a dental license on Indefinite Probation with the following terms and conditions:

1. The Applicant's license as a dentist is placed on INDEFINITE PROBATION. He may request a hearing to modify or rescind the terms of his probation following successful completion of his Continuing Care Contract with the Indiana Dental Well-Being Program.
2. The Applicant's license to practice dentistry is subject to the following terms of probation:
 - a. The Applicant shall maintain his continuing care contract with the Indiana Dental Well-Being Program and shall comply with all requirements of that contract.
 - b. The Board shall be notified immediately if the Applicant fails to comply with any terms of his continuing care contract with the Dental Well-Being Program.
 - c. The Applicant shall comply with all laws and rules regulating the practice of dentistry as well as the general statutory provisions which apply to all the health professions.
3. The failure of the Applicant to comply with the requirements of probation may subject him to a show cause hearing before the Board and the imposition of further sanctions.

WEINGARTEN/SORENSEN
Motion carried 9-0-0

C. RENEWAL

There were no scheduled appearances for renewals.

V. ADMINISTRATIVE HEARINGS

A. State of Indiana v. Matthew Douglas Pate, D.D.S. License No. 12009623A

Administrative Cause No. 2005 DB 0001

Re: Respondent's Request to Withdraw Order of Probation

Parties and Counsel Present:

Respondent was present and was represented by Counsel David E. Jose.
Mark Mader, Deputy Attorney General for the State of Indiana
Felicia Warren, Court Reporter

Participating Board Members:

Dr. Burns (Hearing Officer)
Ms. Robison-Whitmore, L.D.H., B.S.
Dr. Murphy
Ms. LaTurner
Dr. Sorenson
Dr. Weingarten
Dr. Williams
Dr. Newton
Dr. Miller

Case Summary: Respondent requested the Board to withdraw his Probation Order after having successfully complied with the terms and conditions that were set forth in the Order. He stated he has practiced pediatric dentistry for thirteen (13) years in Kokomo, Indiana and this incident was a public and painful event for him. He proceeded to discuss the good that came out of this event with the free treatments he gave to children in need in his community and the other volunteer efforts that he will continue to be a part of. He completed the pre-trial diversion requirements in the state of Florida and his attorney entered into evidence Respondent's exhibit #1 a letter from the Florida State Attorney's Office congratulating him on completion of the pre-trial diversion program and that no charges would be filed in the State of Florida. Respondent stated he completed the one (1) year well-being program with Candace Backer and his attorney entered into evidence exhibit #2, a letter from the Indiana Dental Association Well Being Program stating that he had completed the one (1) year contract. Respondent further supported his case by noting he provided free dental care to underinsured and Medicaid patients and performed two hundred (200) hours of service for Kokomo children at his office. He brought supportive letters from patients who had received the care. Respondent advised he spoke to Indiana University Dental students on two (2) occasions which he estimated was attended by approximately forty (40) students for each lecture. He has paid his fines and his attorney entered into evidence exhibit #3, proof of hours he volunteered at a rescue mission. The Respondent told the Board he understands that he is a dentist twenty-four (24) hours a day, seven (7) days a week and he wants to represent the profession he loves well. He stated he no longer associates with the people he was with at the time he got into trouble and the work he has done since has been deeply rewarding.

Board Action: A motion was made and seconded to grant Dr. Pate's petition to withdraw the Probation Order pending receipt of a letter from Indiana University School of Dentistry verifying that he completed the lectures.

SORENSEN/MURPHY

Motion carried 9-0-0

VI. SETTLEMENT AGREEMENTS

There were no settlement agreements before the Board.

VII. NOTICE OF PROPOSED DEFAULT

A. State of Indiana v. Stephen Leroy Ballard, D.D.S., License No. 12008641A

Administrative Cause No. 2006 DB 0004

Re: Notice of Proposed Default

Parties and Counsel Present:

Respondent was not present and was not represented by counsel.

Mark Mader, Deputy Attorney General for the State of Indiana

Felicia Warren, Court Reporter

Participating Board Members:

Dr. Burns, (Hearing Officer)

Ms. Whitmore, L.D.H., B.S.

Ms. LaTurner

Dr. Murphy

Dr. Sorenson

Dr. Weingarten

Dr. Williams

Dr. Newton

Dr. Miller

Case Summary: Since the Respondent failed to appear or be represented by counsel the State asked the Board to find the Respondent in default.

Board Action: A motion was made and seconded to find the Respondent in default.

WILLIAMS/WEINGARTEN

Motion carried 9-0-0

Mr. Mader presented his case. An Order to Show Cause was filed on July 20, 2007 based upon Respondent's withdrawal from the Indiana Dental Association Well Being Program which was not in compliance with his probationary order. At the time of the hearing set in this for the Order to Show Cause a letter from the Respondent was reviewed. It stated that the Respondent may wish to surrender his license to practice dentistry. The Board requested that he clarify his request but there has been no response. At this time Mr. Mader recommended that the Board revoke Respondent's license.

Board Action: A motion was made and seconded to revoke the Respondent's Indiana Dental license.

VIII. OLD/NEW BUSINESS

A. Dental Intern Permits

Dr. Burns reviewed a printout of dental intern permit holders. She requested that a letter be mailed to those who have held and renewed an intern permit for longer than four (4) years to see why they have had a permit for so long. Discussion was held regarding how long it takes a surgeon to complete a residency program. The time frame is usually about four (4) years. Dr. Burns requested that future renewal of dental intern permits that are applying for their third and fourth years are reviewed by the Board prior to renewal.

- B.** The Commission on Dental Accreditation has extended an invitation for a representative of the Board to participate in the 2008 on site evaluation at Indiana University School of Dentistry for Advanced Education in Oral and Maxillofacial Surgery on October 17, 2008. The Board requested that this matter be discussed at the next meeting.

IX. DISCUSSION

- A.** Dr. Miller updated the Board on the ADEX examination and discovered we do not need a rule change in order to accept the ADEX because it is the same exam as the NERB and CRDTS. Dr. Miller will set up Indiana as a member Board.
- B.** Discussion was held regarding the Dental Organization for Conscious Sedation (DOCS). Dr. Miller and Dr. Murphy attended a presentation for which they both felt was a good organization and suggested all Board members sign up for one of their free seminars. He stated it is time the Board start controlling the conscious sedation issue and define who is allowed to give out certain medications. Dr. Miller stated he will research other states regarding this issue and report back to the board.
- C.** Dr. Weingarten requested that during the upcoming renewal period to ask practitioners to provide a fax number and/or email address. The Board wants to start doing quarterly newsletters to disseminate information to dentists and dental hygienists. Ms. Vaught stated a Board newsletter was possible in the future. Posting of the newsletter would be on the Indiana Professional Licensing Agency website but would look into the issue of disseminating it by email.
- D.** Ms. Whitmore, L.D.H., B.S. discussed an advertisement she received about an online CPR course and asked the Board if they knew if there was a physical component. She stated it is an American Red Cross program and she will research it.
- E.** Dr. Burns reported to the Board regarding her attendance at the Indiana Dental Association Board of Trustees meeting.
1. She noted that it is a constant source of frustration that the Indiana State Board of Dental Examiners is unable to do anything about whitening of teeth done by estheticians. The Board discussed a resolution they had written some time ago stating the Boards' position on grills. At that time they had wanted it to be a published press release and were told by the Governor's office it cannot be a press release. Ms. Vaught stated she would look into whether the Board can issue a policy statement but in the past they have not been encouraged by the

Indiana Professional Licensing Agency because they are not enforceable. The Board indicated that they just want to clarify their position even if nothing can be enforced. Research will need to be done on how other states handle this and Dr. Burns asked that board members to begin thinking about the issue of grills and whitening.

2. Mobile Dental Vans. Dr. Burns has information that mobile dental vans are not providing any follow-up nor leaving a telephone number to a local dentist. Instead patients are given a 1-800 number to call that reaches no one.
 3. Dr. Burns mentioned the Indiana Dental Association resolution which is the Born to Smile program. All newborns in Allen County are going to get to see a dentist. Training is September 21, 2007 at Hillcrest Country Club.
 4. Dr. Burns stated that a mentor dinner will be held at the Indiana State Museum on September 14, 2007 and she asked that they consider volunteering for this event so students can meet them.
- E. Dr. Burns announced that new board member appointments have been named to replace Dr. Sorenson, Dr. Weingarten, and Dr. Murphy. The Board thanked them for their committed service to the Indiana State Board of Dental Examiners. Ms. Whitmore was reappointed.

X. APPLICATION REVIEW

A. Endorsement

There were no endorsement applications for the Board to review.

B. Examination

1. Dayton Ward Dawson, D.D.S.

Dr. Dawson's application for licensure by examination was reviewed. Dr. Dawson is a 2007 graduate from Indiana University and has passed the National Boards Parts I and II and the North East Regional Board of Dental Examiners (NERB) examination. Dr. Dawson responded positive to question #4 on his application asking, "Have you ever been convicted of, pled guilty or nolo contendere to any offense, misdemeanor or felony in any state?" Dr. Dawson's written statement explained in April 2006 he pled guilty to operating a vehicle while intoxicated. He paid all fines and completed his probationary period without incident and applied for and was granted early release from probation.

Board Action: A motion was made and seconded to grant Dr. Dawson an Indiana dental license.

NEWTON/MURPHY
Motion carried 9-0-0

2. Robert Young, D.D.S.

Dr. Young's application for licensure by endorsement was reviewed. Dr. Young is a 1974 graduate of the University of Pittsburgh and has passed the National Boards and the North East Regional Board of Dental Examiners (NERB) examination. He is currently licensed in the state of Illinois where he has practiced since 1986 and holds an expired license in the Pennsylvania. Dr. Young responded positive to question ##7 asking, "Have you ever had a malpractice

judgment against you or settled any malpractice action?" He sent a letter explaining the details of a malpractice payment of \$27,000.00.

Board Action: A motion was made and seconded to grant Dr. Young an Indiana dental license.

MILLER/MURPHY
Motion carried 9-0-0

C. Anesthesia and Sedation Permits

D. Dental Intern Permit

There were no dental intern permits to review.

E. Professional Corporations

There were no professional corporation applications to review.

XII. PROBATIONARY REPORT

A. Penelope Lynn Dunlap, D.D.S.

Monitoring reports from Dr. Joseph W. Hake was reviewed and accepted.

B. Christopher Leonard, D.D.S.

Dr. Ryan Moe notified the board of the medications that Dr. Leonard is current prescribed. Work site monitor reports from Jerry R. Hickman, D.D.S. was reviewed and accepted.

Brian Kiehl, Healthcare Excel, who completes audits for Medicaid, submitted information for review by the Board. According to Dr. Leonard's probationary order which reads, "The Respondent agrees that due to the prior history of his wife, Richelle Leonard, obtaining controlled substances by the use of his DEA registration that his wife will no longer work in his office or any office in which he is associated in the practice of dentistry in any capacity. The information indicated that Ms. Leonard was working in his office. She was pulling files and records for the auditors. She also attended an exit conference and signed forms of records request.

Board Action: After review, a motion was made and seconded to issue an Order to Show Cause as to why Dr. Leonard's license to practice dentistry should not be suspended or other action taken based upon the information submitted from Mr. Kiehl.

WILLIAMS/NEWTON
Motion carried 8-0-0
Dr. Sorenson was not present

C. William W. Li, D.D.S.

Dr. Li submitted his signed affidavit attesting to that he may not participate as an owner, stockholder, or board member of a third party dental care company. The affidavit was reviewed and accepted.

D. James Callihane, D.D.S.

His monthly report from the Indiana Dental Association was reviewed and accepted. Dr. Callihane is scheduled to appear on November 2, 2007 for his probationary visit.

E. Jim D. Frankos, D.D.S.

His monthly report from the Indiana Dental Association was reviewed and accepted. Dr. Frankos scheduled to appear in April 2008 for his probationary visit.

XII. CONTINUING EDUCATION

XIII. REPORTS

A. CSAC

Dr. Miller did not have a report regarding the controlled substances advisory committee.

B. Indiana Dental Association-

Mr. Jay Dziwlik, Assistant Executive Director, reported the IDA has a draft of the Ethics and Jurisprudence journal which is being reviewed by IDA legal counsel and they would welcome recommendations from the Board. Dr. Newton will write an article on Ethics and Jurisprudence for the journal. They hope to have this journal put out around October 15, 2007.

XIV. ADJOURNMENT

There being no further business, and having completed its duties, the meeting of the Indiana State Board of Dentistry adjourned at 12:30 p.m.

Jill Burns, D.D.S., President

Date

Galen Williams, D.D.S, Secretary

Date